

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT:

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 15951 of 2003

Between:

J. Ram Kumar S/o. J. Talupulu, Hindu, aged 37 years,
Working as Record Assistant, A.P.R. Junior College (Boys),
Gyarampalli Village, K.V. Palle Mandal, Chittoor District – 517 213.

..... PETITIONER

AND

- 1 The Principal, A.P.R.School (Girls),
Rekhavanipalem, Tuni, E.G.District.
- 2 The Secretary, A.P. Residential Educational Institutions'
Society (Regd) III Floor, Gagan Vihar, M.J. Road,
Hyderabad 500 001.
- 3 The Principal, A.P.R. Junior College (Boys),
Gyarampalli Village, K.V. Palle Mandal,
Chittoor District - 517 213.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to direct the 1st respondent to regularise the services of the petitioner from 13-10-1997

to 23-10-2002 in accordance with F.R. 54 by implementing 1999 P.R.C. while regularising the services of the petitioner on acquittal from Criminal Case vide order dated 21-9-2001 in Criminal Appeal No. 111 of 2000 by this Hon'ble Court with all consequential benefits by declaring the action of the 1st respondent in not doing so as illegal and violative of Articles 14 & 16 of the Constitution of India by issuing a Writ more particularly in the nature of writ of mandamus or any other order or direction from this Hon'ble Court.

Counsel for the Petitioner: MR.V.V.NARASIMHA RAO

Counsel for the Respondents: MR.VIJAYA BHASKAR MOOLA

The Court made the following Order:

It is submitted that pursuant to the acquittal of the petitioner through judgment of this Court in CrI.A.No.111 of 2000 dated 21-9-2001, he was reinstated into service on 24-10-2002 vide proceedings of the second respondent dated 7-10-2002.

It is the case of the petitioner that he was kept under suspension from 13-10-1997 to 23-10-2002, pursuant to the conviction in S.C.No.43 of 1998 on the file of the II Additional Sessions Judge, Rajahmundry. As the judgment of the trial court was set aside by this Court and as the petitioner was acquitted on merits, he was reinstated into service. But the said suspension period was not regularized. Therefore, the petitioner has filed this writ petition for regularization of his services from 13-10-1997 to 23-10-2002 in accordance with F.R. 54 by implementing 1999 P.R.C.

A counter-affidavit has been filed on behalf of the respondents wherein it is stated that the prayer of the petitioner in this writ petition has already been considered for regularizing his suspension period from 13-10-1997 to 23-10-2002 vide proceedings of the second respondent in Rc. No. 2060/C2-3 /A9-1/97-02 dated 19-8-2003 and thereafter, the suspension period has been regularized by allowing pay and allowances read with F.R. 54A and 54B and periodical increments were also sanctioned through proceedings of the Principal, A.P. Residential School, Tuni separately vide Rc.No.1/A/03-04 dated 25-8-2003 and that subsistence allowance was paid until the removal orders were issued and that all the other claims on par with other employees are paid to him through jail Superintendent and that as he was removed from service, pay fixation as per PRC 1999 was not exercised. On his reinstatement into service and on regularizing his services, the first respondent passed an order in Rc.No.5/A/2004-05 dated 4-6-2004 sanctioning monetary benefits as per PRC 1999 stating that the monetary benefits of his pay fixation in the time scale is admissible with effect from 1-4-1999 and therefore, the prayer in the writ petition has already been complied with and that only the petitioner has to get the arrears of salary for which bills were already submitted.

In view of the statements made in the counter-affidavit, the writ petition is accordingly disposed of. No costs.

24-08-2004

lvi

- 1 The Principal, A.P.R.School (Girls),
Rekhavanipalem, Tuni, E.G.District.
- 2 The Secretary, A.P. Residential Educational Institutions'
Society (Regd) III Floor, Gagan Vihar, M.J. Road,
Hyderabad 500 001.
- 3 The Principal, A.P.R. Junior College (Boys),
Gyarampalli Village, K.V. Palle Mandal,
Chittoor District - 517 213.
- 4 Two CD copies.